Equity will not entertain a suit for injunction where there is a full and complete remedy at law. Where a remedy for any particular wrong or injury has been provided by statute, the general rule is that no relief in equity can be afforded in such a case by injunction. *Weber v. Timlin,* 37 Minn., 274. It seems that this general doctrine is applicable, although the provisions of the statute may conflict with the notions of natural justice entertained by a court of equity. *Glenn v. Fowler,* 8 Gill. & J., 340. The rule is subject to a few exceptions. It has been held that the fact that a statutory method of procedure exists does not take away the right of a court of equity to interfere by injunction for the prevention of a multiplicity of suits where the circumstances render such interposition proper. *Bishop v. Rosenbaum,* 58 Miss., 84. Under the *English Judicature Act* of 1873, Sec. 25, Subsection 8, which enables the court to grant an injunction in all cases in which it appears just and convenient to the court, it would seem that the existence of a statutory remedy would be no obstacle in the way of granting an injunction. *Cooper v. Whittingham,* 15 Chan. Div., 501.

The adequacy or inadequacy of a remedy at law for the protection of the rights of one entitled upon any ground to invoke the powers of a Federal Court, is not to be conclusively determined by the statutes of the particular state in which suit may be brought. One who is entitled to sue in the Federal Circuit Court may invoke its jurisdiction in equity whenever the established principles and rules of equity permit such a suit in that court; and he cannot be deprived of that right by reason of his being allowed to sue at law in a state court on the same cause of action. *Smyth v. Ames,* 169 U. S., 466.

In the case at hand, since the taxpayer had no special grievance arising from the acts of the state commission, beyond what all other taxpayers had, and since he sustained no actual injury, he cannot proceed in equity to restrain the actions of the commission, and for a public wrong redress must be sought only through the state or its officcers and not by an individual.

THE RULE THAT CROSS BILLS AND ORIGINAL BILLS MUST BE GERMANE AS APPLIED TO INJUNCTIONS.

Equity is never content to do justice in halves, but rather seeks to right the wrongs of all parties whenever those wrongs relate to

the subject matter of a bill filed in its courts. It is as solicitous for a defendant as for a complainant. It is but natural that a complainant urge the redress of his own wrongs and be unmindful of the sufferings of the defendant. Circumstances are often such that he may consistently do this even with due regard for the maxim: He who seeks equity must do equity. A practical method by which one who has been made a defendant in a suit in equity, may obtain affirmative relief is that of filing a cross bill. A cross bill must seek discovery or relief, and is not to be used as a means of producing defensive matter which would be equally available by way of answer to the original bill. Its subject matter must be germane to the original bill, that is, it must confine itself to the same matter as the original bill, and it cannot introduce a new controversy not embraced in the original bill. Such bills are introduced in injunction proceedings as well as in other suits in equity, as is evident from an examination of the recent case of *Root v. Root,* 130 N. W., 194 (Mich.).

The parties to this cause were husband and wife. They were engaged in the business of selling musical instruments. A dispute as to the management of the business caused the wife to leave her husband, and start a business similar in character in the same city. Thereupon the husband filed a bill in which he averred his ability and willingness to support his wife, and prayed that she be enjoined from continuing against his will to prosecute the competitive business established by her. Along with her answer the defendant filed a cross bill in which she charged the complainant with extreme cruelty and prayed for a divorce. The question then arose, was such a cross bill germane to the original bill? In what manner did the prayer for divorce relate to a bill seeking to enjoin a wife from engaging in a business similar to that conducted by her husband? The trial court regarded the cross bill as proper, dismissed the original bill, and granted the divorce. On appeal the Supreme Court sustained the lower court as far as the propriety of the cross bill was concerned. To reach the conclusion that the cross bill was proper it was necessary to show that the subject matter of the cross bill was germane to that of the original bill. The court reasoned that the relation of husband and wife was the real basis of the husband's right to enjoin the wife from engaging in the same business. Therefore a divorce was the means of destroying that relation, and once that relation

was severed the husband's right to an injunction was lost. However, the purpose of the cross bill failed, inasmuch as the higher court set aside the decree granting the divorce, on the ground that the cruelty averred was not sufficiently proved. The injunction sought by the husband was granted. One dissenting member of the court declared that the cross bill should never have been considered in such a proceeding, but he, of course, concurred in the result.

In *Mathiason v. St. Louis,* 156 Mo., 196, the complainant sought by injunction to restrain the defendant from interfering with a drain pipe which the complainant had constructed, and which led from his fertilizer factory under a public highway to a private sewer. The defendant filed a cross bill in which it sought to have the factory declared a public nuisance. The court held that such a bill was not germane to the original bill, the subject matter of which was the drain pipe leading from the factory. Another case concerning a drain was that of *Wetmore v. Fiske,* 15 R. I., 354, where the court held that, in an action brought to restrain the defendant from stopping the flow of water in a drain, the defendant might properly set up by way of cross bill, that the complainant was wrongfully disposing of the sewage through the drain and pray that he might be restrained from so doing, as the cross bill pertained only to the subject matter of the original bill, namely, the use of the drain.

Where there are two mills situated on the banks of the same stream, one below the odther, and the owner of the upper mill brought suit to restrain the owner of the lower mill from so increasing the height of his dam that the water would flow back in the mill race of the upper mill and injure the machinery there, it was held that the defendant might file a cross bill in which he alleged that he had been injured because the complainant had diverted waters of the stream, to the use of which the defendant was entitled, because such a bill related to the rights of the respective parties in the use of the stream which furnished the power for each privilege, which was the subject matter of the original bill. This ruling is to be found in the case of *Atlanta Mills v. Mason,* 120 Mass., 244. But a somewhat similar situation existed in *Brownlee v. Warmack,* 90 Ga., 775. The complainant had secured by deed the right to obtain water to operate his

mill from a spring which was situated on the land of the defendant. The latter threatened to dig ditches about the spring and thus cut off the water supply to the defendant. The mill owner filed a bill asking that the defendant be restrained from the performance of his threat. With the answer came a cross bill asking for a decree awarding the defendant damages for an injury suffered by him because of the tortious act of the complainant in failing to repair his mill race, and allowing breaches in the banks thereof, whereby water escaped unto the defendant's land. The matter complained of in the cross bill was a tort, and the court held that it was not germane to any mater in the original petition.

One Doremus, in *Doremus v. Patterson,* 70 N. J. Eq., 296, instituted proceedings to restrain the city of Patterson from polluting a certain river which flowed past his property. The city introduced a cross bill, admitting the nuisance complained of, but averred that a certain water company had diverted, unlawfully, for the use of another city, certain water which would have flowed past the defendant city and helped to dilute the water. This cross bill was held to be improper, since it was not germane, for, said the court, it tended to involve the complainant in a new controversy, that is, whether the water company had the right to divert the water.

According to *Stansel v. Hahn,* 50 South., 696, where a trustee of an estate sued to enjoin the sale of a beneficiary's interest in a trust, the sale being under execution, a cross bill which alleged that the income due the beneficiary from the estate was sufficient to support him and pay all his bills was not germane to the original petition. In *Peters v. Case,* 57 S. E., 733, state Peters owned a tract of land, between which and the public highway was another tract owned by Case, who also owned land on the other side of Peters' property. A private road ran through Case's land on the farther side of Peters' tract, through that belonging to Peters, then through Case's second portion of land, and thus unto the main highway. Peters had some time before erected a building on that part of the private road which ran through his property. Case retaliated by erecting a structure on the section of road running through his land to the public highway. It was this act of Case's which Peters sought to enjoin by an injunction. Case

then filed a cross bill complaining of Peters' action in erecting a building on the roadway also. To support his cross bill Case relied on the maxims: He who comes into equity must do so with clean hands, and, He who seeks equity must do equity. However, the court refused to regard the cross bill as germane to the original bill, nor would it apply the maxims because the defendant sought the application for an alleged wrong, which was wholly foreign to the particular wrong complained of in the petition.

From these analogous cases it would appear that the judgment rendered in the principal case was really an extension of the rule. The reasoning is nice, in the true sense of that word, but it bears the scars of a struggle on the part of the court to make the two bills germane. As the rule is generally understood, it is the subject matter of the two bills that must be germane. The cross bill concerned itself with the cruelty of the husband. The original bill with the competitive business of the wife. It is difficult to conceive how the one is akin to the other. The affirmative relief asked for by the wife was freedom from the husband's cruelty, and a divorce was the means of accomplishing this. True, the court has argued that if the divorce were granted, then the husband's right to the injunction would fail, and it is this connection that satifies the demand for the relevancy of the two bills. Is this not an extension of the rule? The connection as viewed by the court operates to deny the relief sought by the complainant, and by this indirection to relieve the defendant. In *Mathiason v. St. Louis,* cited above, the court, reasoning in the same manner, might have declared the factory a nuisance and the use of the drain would have necessarily been discontinued. Therefore, by the extension of the rule as laid down by the Michigan court, an original bill and a cross bill will be considered germane whenever the means of relief asked for in the cross bill is destructive of the right to seek the relief asked for in the original petition.

COMMERCE—INTERSTATE COMMERCE—REGULATION—CONSTITUTIONALITY OF "WHITE SLAVE TRAFFIC ACT."

The act of June 25, 1910, c. 395, 36 Stat., 825, known as the "White Slave Traffic Act," making it a criminal offence to knowingly transport or to procure the transportation of women from